

AMENDED IN SENATE JUNE 12, 2007

AMENDED IN ASSEMBLY MAY 8, 2007

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1275

Introduced by Assembly Member DeSaulnier
(Principal coauthor: Assembly Member Hancock)

February 23, 2007

An act to amend Sections 26840.10 and 26840.11 of the Government Code, and to add Sections 103629 and 103629.5 to the Health and Safety Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1275, as amended, DeSaulnier. Domestic violence, *child abuse and neglect, and family violence*: certified copies of vital records: fees.

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates.

Existing law authorizes certain cities and counties, including *Alameda and Solano Counties*, until January 1, 2010, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, and to provide funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

This bill would authorize a county board of supervisors, upon making findings and declarations supporting the need for governmental oversight

and coordination of the multiple agencies dealing with domestic violence *and child abuse*, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, for the purpose of funding governmental oversight and coordination of domestic violence, *child abuse and neglect, and family violence* prevention, early intervention, and prosecution efforts in the county, up to a maximum increase of \$4.

This bill would also authorize a county that elects to increase these fees for these purposes to authorize, effective July 1 of each year, an additional increase in these fees by an amount equal to the increase in the Consumer Price Index for the state for the preceding calendar year, as specified.

The bill would also require a county that elects to increase these fees for the purpose of funding governmental oversight and coordination of domestic violence, *child abuse and neglect, and family violence* prevention, early intervention, and prosecution efforts in the county, commencing in 2010, to submit an annual report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary that contains specified information related to the funds received and expended from the fee increases.

Existing law further requires the Alameda County Board of Supervisors and the Solano County Board of Supervisors to submit to the Assembly Committee on Judiciary and the Senate Committee on Judiciary, no later than July 1, 2009, a report containing specified information on the above-mentioned fee increases for those counties.

This bill would revise that reporting requirement to require the Alameda County Board of Supervisors and the Solano County Board of Supervisors to also submit to those legislative committees a first report, containing that information on those fee increases, no later than July 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Domestic violence is costly, both in human and
- 4 organizational terms. The results of domestic violence have many
- 5 “hidden” costs, such as job turnover, loss of productivity, school

1 absenteeism, and low-school performance, in addition to the high
2 cost of law enforcement, civil and criminal justice, health services,
3 mental health services, substance abuse treatment, human services,
4 and community-based services.

5 (b) Domestic violence cuts across all economic and education
6 levels, all age groups, ethnicities, and other social and community
7 characteristics. Domestic violence is characterized by a predictable,
8 escalating cycle that can result in the injury or death of victims,
9 including children.

10 (c) Domestic violence puts children at risk. Children in homes
11 where domestic violence occurs are physically abused or seriously
12 neglected at a rate significantly higher than the national average
13 in the general population, according to the National Woman Abuse
14 Prevention Project in Washington, D.C.

15 (d) *Child abuse and neglect have lifelong impacts on affected*
16 *children and society. Child abuse and neglect hinders brain*
17 *development in, and causes behavioral and emotional challenges*
18 *for, affected children. Studies have also shown that individuals*
19 *with adverse childhood experiences may demonstrate higher rates*
20 *of health problems such as obesity, alcoholism, depression, cancer,*
21 *and heart disease as adults.*

22 (d)

23 (e) Domestic violence is learned and generational. Studies show
24 that boys who witness family violence are more likely to batter
25 their female partners as adults than boys raised in nonviolent
26 homes. Girls who witness their mothers' abuse have higher rates
27 of being battered as adults.

28 (f) *Family violence encompasses all types of violent crime*
29 *committed by an offender who is related to the victim either*
30 *biologically or legally through marriage or adoption.*

31 ~~(e) Domestic violence requires a multifaceted intervention that~~

32 (g) *Domestic Violence, child abuse and neglect, and family*
33 *violence require a multifaceted intervention that engages civil,*
34 *criminal, health, and social service sectors working together to*
35 *align objectives, protocols, policies, and activities of each sector.*

36 (f)

37 (h) Contra Costa County determined that achievement of this
38 alignment requires governmental oversight and coordination of
39 the multiple agencies involved in the domestic violence system.

1 This oversight and coordination is an essential link in a
2 comprehensive effort to eliminate domestic violence.

3 ~~(g)~~

4 (i) During the past four years, Contra Costa County has created
5 a successful domestic violence program. Contra Costa County has
6 established a coordinated data system, set up a training program
7 involving law enforcement, courts, and health and social service
8 agencies, established restraining order clinics and other victim
9 support services, and increased accountability measures against
10 perpetrators of domestic violence.

11 ~~(h)~~

12 (j) Contra Costa County has demonstrated critically needed
13 leadership through its Systemic Approach Model of addressing
14 domestic violence by integrating victim services across multiple
15 disciplines and advancing public-private partnerships to
16 institutionalize coordination. Moreover, through its effective
17 centralized collaborative approach, Contra Costa County is
18 addressing system issues critical to California which were described
19 in the California Attorney General's Domestic Violence Report
20 entitled "Keeping the Promise, Victim Safety and Batterer
21 Accountability," issued in June of 2005.

22 ~~(i)~~

23 (k) (1) Contra Costa County has further determined that the
24 fees authorized by Section 26840.7 of the Government Code are
25 not sufficient or allowable for governmental oversight and
26 coordination, as these funds are to be used only for domestic
27 violence centers offering direct services, and are currently fully
28 utilized for that purpose.

29 (2) Contra Costa County has further determined that the fees
30 authorized by this act shall not exceed the cost of governmental
31 oversight and coordination of the domestic violence system.

32 SEC. 2. Section 26840.10 of the Government Code is amended
33 to read:

34 26840.10. (a) The Alameda County Board of Supervisors,
35 upon making findings and declarations for the need for
36 governmental oversight and coordination of the multiple agencies
37 dealing with domestic violence, may authorize an increase in the
38 fees for marriage licenses and confidential marriage licenses, up
39 to a maximum increase of two dollars (\$2).

1 (b) Effective July 1 of each year, the Alameda County Board
2 of Supervisors may authorize an increase in these fees by an
3 amount equal to the increase in the Consumer Price Index for the
4 San Francisco metropolitan area for the preceding calendar year,
5 rounded to the nearest half-dollar (\$0.50). The fees shall be
6 allocated pursuant to Section 18309 of the Welfare and Institutions
7 Code.

8 (c) In addition to the fee prescribed by Section 26840.1, in
9 Alameda County, the person issuing authorization for the
10 performance of a marriage or confidential marriage, or the county
11 clerk upon providing a blank authorization form pursuant to Part
12 4 (commencing with Section 500) of Division 3 of the Family
13 Code, shall collect the fees specified in subdivisions (a) and (b),
14 at the time of providing the authorization.

15 (d) The Alameda County Board of Supervisors shall submit to
16 the Assembly Judiciary Committee and the Senate Judiciary
17 Committee, no later than July 1, 2008, a first report, and, no later
18 than July 1, 2009, a second report containing the following
19 information:

20 (1) The annual amounts of funds received and expended from
21 fee increases for the purpose of governmental oversight and
22 coordination of domestic violence prevention, intervention, and
23 prosecution efforts in the county.

24 (2) Outcomes achieved as a result of the activities associated
25 with the implementation of this section.

26 (e) This section shall remain in effect only until January 1, 2010,
27 and as of that date is repealed, unless a later enacted statute deletes
28 or extends that date.

29 SEC. 3. Section 26840.11 of the Government Code is amended
30 to read:

31 26840.11. (a) The Solano County Board of Supervisors, upon
32 making findings and declarations for the need for governmental
33 oversight and coordination of the multiple agencies dealing with
34 domestic violence, may authorize an increase in the fees for
35 marriage licenses and confidential marriage licenses, up to a
36 maximum increase of two dollars (\$2).

37 (b) Effective July 1 of each year, the Solano County Board of
38 Supervisors may authorize an increase in these fees by an amount
39 equal to the increase in the Consumer Price Index for the San
40 Francisco metropolitan area for the preceding calendar year,

1 rounded to the nearest one-half dollar (\$0.50). The fees shall be
2 allocated pursuant to Section 18309.5 of the Welfare and
3 Institutions Code.

4 (c) In addition to the fee prescribed by Section 26840.1, in
5 Solano County, the person issuing authorization for the
6 performance of a marriage or confidential marriage, or the county
7 clerk upon providing a blank authorization form pursuant to Part
8 4 (commencing with Section 500) of Division 3 of the Family
9 Code, shall collect the fees specified in subdivisions (a) and (b),
10 at the time of providing the authorization.

11 (d) The Solano County Board of Supervisors shall submit to
12 the Assembly and Senate Committees on Judiciary, no later than
13 July 1, 2008, a first report, and, no later than July 1, 2009, a second
14 report containing the following information:

15 (1) The annual amounts of funds received and expended from
16 fee increases for the purpose of governmental oversight and
17 coordination of domestic violence prevention, intervention, and
18 prosecution efforts in the county.

19 (2) Outcomes achieved as a result of the activities associated
20 with the implementation of this section.

21 (e) This section shall remain in effect only until January 1, 2010,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2010, deletes or extends that date.

24 SEC. 4. Section 103629 is added to the Health and Safety Code,
25 to read:

26 103629. (a) A county board of supervisors, upon making
27 findings and declarations supporting the need for governmental
28 oversight and coordination of the multiple agencies dealing with
29 domestic violence *and child abuse*, may authorize an increase in
30 the fees for certified copies of marriage certificates, birth
31 certificates, fetal death records, and death records, up to a
32 maximum increase of four dollars (\$4).

33 (b) Effective July 1 of each year, a county that elects to increase
34 fees for certified copies of marriage certificates, birth certificates,
35 fetal death records, and death records, pursuant to subdivision (a),
36 may authorize an additional increase in these fees by an amount
37 equal to the increase in the Consumer Price Index for the state for
38 the preceding calendar year, rounded to the nearest half dollars.

39 (c) (1) Proceeds collected pursuant to this section shall be used
40 for governmental oversight and coordination of domestic violence,

1 *child abuse and neglect*, and family violence prevention,
2 intervention, and prosecution efforts among the court system, the
3 district attorney's office, the public defender's office, law
4 enforcement, the probation department, mental health, substance
5 abuse, child welfare services, adult protective services, and
6 community-based organizations and other agencies working in the
7 county in order to increase the effectiveness of prevention, early
8 intervention, and prosecution of domestic violence, *child abuse*
9 *and neglect*, and family violence.

10 (2) Any fees authorized by subdivision (a) or (b) shall not exceed
11 the cost of governmental oversight and coordination of the county's
12 domestic violence ~~program~~ *and child abuse programs*, as described
13 in paragraph (1).

14 (d) In addition to the fees prescribed by subdivisions (a) and
15 (b), any applicant for a certified copy of a birth certificate, a fetal
16 death record, or death record in a county shall pay an additional
17 fee to the local registrar, county recorder, or county clerk, as
18 applicable, as established by the county board of supervisors.

19 SEC. 5. Section 103629.5 is added to the Health and Safety
20 Code, to read:

21 103629.5. If a county elects to increase fees pursuant to Section
22 103629, the county shall submit a report to the Assembly
23 Committee on Judiciary and the Senate Committee on Judiciary,
24 by July 1 of each year, commencing in 2010, that contains both
25 of the following:

26 (a) The annual amount of funds received and expended from
27 fee increases for the purpose of governmental oversight and
28 coordination of domestic violence *and child abuse* prevention,
29 intervention, and prosecution efforts in the county.

30 (b) Outcomes achieved as a result of the activities associated
31 with the implementation of Section 103629.